

REMARK/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments to the claims and the following comments.

In the Office Action mailed December 13, 2004, claims 1-41 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In addition, claims 1-16, 18-32, and 34-41 were rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent Application Publication No. 2004/0230006 A1 to Voorheis et al. (the "Voorheis publication"), and remaining claims 17 and 33 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over the Voorheis publication in view of U.S. Patent No. 6,468,168 to Nesbitt et al. (the "Nesbitt patent"). Applicants respectfully traverse these rejections for the reasons set forth below.

The Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

As mentioned above, claims 1-41 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Examiner asserted as follows:

"It is not clear which crosslinking agent is claimed in claims 1, 25, and 41. Paragraphs 27 and 28 disclose unsaturated carboxylic acid as well as peroxides as crosslinking agents."

In reply, Applicants report that the cross-linking agent recited in independent claims 1, 25, and 41 was intended to be the peroxide described in paragraph 28 of the application. To clarify this intent, Applicants have amended independent claims 1, 25, and 41 to specify that the recited cross-linking agent comprises a peroxide.

In view of the clarifying amendment to independent claims 1, 25, and 41, the § 112 rejection of claims 1-41 should now be withdrawn.

The Rejection of Claims Under 35 U.S.C. §§ 102(e) and 103(a)

As mentioned above, claims 1-16, 18-32, and 34-41 were rejected under § 102(e), as allegedly anticipated by the Voorheis publication and remaining claims 17 and 33 were rejected under § 103(a), as allegedly obvious over the Voorheis publication in view of the Nesbitt patent. Applicants respectfully traverse these rejections for the reasons set forth below.

Accompanying this Amendment is a Declaration of Hyun Jin Kim Under 37 C.F.R. § 1.131, showing conception and reduction to practice of the invention defined by claims 1-3, 5, 10-21, and 22-25 prior to the filing date of the Voorheis publication, i.e., May 14, 2003. In particular, the Declaration correlates those claims with the disclosure set forth in specified paragraphs of a document (Exhibit A) entitled "Idea Disclosure Form," dated prior to May 14, 2003. The Declaration also states that the inventors were diligent in reducing the invention defined by all of these claims from a time prior to May 14, 2003, until June 9, 2003, the filing date of the provisional application No. 60/476,985, from which this present application claims priority. It should, therefore, be understood that Applicants completed their claimed invention prior to the effective date of the Voorheis publication.

In addition, remaining claims 4, 6-9, 22, and 25-41 all recite subject matter either that is substantially the same as that of the claims set forth in claims 1-3, 5, 10-21, or 22-25, or that would have been readily apparent to those skilled in the art having access to the information set forth in the Idea Disclosure Form. For that reason, and pursuant to the authorities set forth in M.P.E.P. § 715.02, the Declaration of Hyun Jin Kim Under 37 C.F.R. § 1.131 also should be effective to show completion of the invention of claims 4, 6-9, 22 and 25-41.

For these reasons, the Voorheis publication is *not* prior art under 35 U.S.C. § 102(e), and the claim rejections based on that publication should be withdrawn.

Amendments to Dependent Claims 14-17 and 30-33

By this Amendment, Applicants also have amended dependent claims 14-17 and 30-33 to state expressly that the composition could include "one or more" of the listed ingredients, i.e., UV stabilizers, photo stabilizers, antioxidants, colorants, dispersants, mold releasing agents, processing aids, and fillers. Support for these amendments is found in paragraph 38 of the application.

New Claims 48-60

Also by this Amendment, new claims 48-60 have been added to the application. New claims 48-52 depend from independent claim 1, and new claims 53-57 depend from

independent claim 25. In addition, new claim 58 is independent, and new claims 59 and 60 depend from new independent claim 58.

New dependent claims 48 and 53 both more particularly define the golf ball to further comprise a co-cross-linking agent, in addition to the peroxide cross-linking agent, such co-cross-linking agent being a metal salt of an unsaturated carboxylic acid. Support for claims 48 and 53 is found in paragraph 27 of the application.

New dependent claims 49 and 54 both more particularly define the peptizer to be a non-metal salt of an organosulfur compound, and new claims 50 and 55 both more particularly define the peptizer to be selected from the group consisting of an amine salt of pentachlorothiophenol, an ammonium salt of pentachlorothiophenol, and mixtures thereof. Support for new claims 49-50 and 54-55 is found in paragraph 21 of the application.

New dependent claims 51 and 56 both more particularly define the cross-linking agent to be selected from a group of various specific peroxides, and new claims 52 and 57 both more particularly define the cross-linking agent to include 2,5-dimethyl-2,5-di-(t-butylperoxy)hexyne-3 and 1,1-bis(t-butylperoxy)-3,3,5-trimethylcyclohexane. Support for new claims 51-52 and 56-57 is found in paragraph 28 of the application.

New independent claim 58 defines a golf ball that includes a composition comprising an unsaturated polymer, a cross-linking agent comprising a peroxide, and a non-metal salt of an organosulfur compound. New claim 59 depends from independent claim 58 and defines the organosulfur compound to be 2-mercaptobenzothiazole. Finally, new claim 60 depends from independent claim 58 and defines the non-metal salt of an organosulfur compound to be a cyclohexylamine salt of 2-mercaptobenzothiazole. Support for these three claims is provided in the original specification, in paragraphs 12 and 22, and in Table 1 (i.e., Nocceler M60, which is a cyclohexylamine salt of 2-mercaptobenzothiazole). Paragraph 5 of the accompanying Declaration of Hyun Jin Kim Under 37 C.F.R. § 1.131 shows that invention defined by claims 58-60 was conceived prior to the filing date of the Voorheis publication.

All of new claims 48-60 are properly allowable.

Claims 42-47

Claims 42-47, which were drawn to a non-elected invention, have now been canceled.

Conclusion

This application should now be in condition for a favorable action. Allowance of the application is respectfully requested. If the Examiner believes that a telephone conference with Applicants' undersigned attorney of record might expedite prosecution of the application, she is invited to call at the telephone number indicated below.

Respectfully submitted,

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